

Chapter CLXXVIII.¹

THE SPEAKER PRO TEMPORE.

1. Appointment and election of. Sections 263-275.
 2. Functions and powers of. Sections 276, 277.
 3. Notifications of Senate and President as to appointment of. Sections 278-280.
 4. The office of President pro tempore in the Senate. Sections 281, 282.
-

263. A Speaker pro tempore is appointed by the Speaker or elected by the House.

Form and history of Rule 1, Section 7.

The rule relating to the Speaker's appointment of a Speaker pro tempore is section 7 of Rule I:

He shall have the right to name any Member to perform the duties of the Chair, but such substitution shall not extend beyond three legislative days: *Provided, however,* That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker pro tempore to act during his absence.

Formerly the rule provided that the substitution of a Speaker pro tempore by appointment should not extend beyond an adjournment.

On December 9, 1920,² the House agreed to an amendment proposed by Mr. Philip P. Campbell, of Kansas, providing that such substitution should not extend beyond three legislative days.

This was the first change in the rule since the general revision of 1880.

264. Instance wherein one not a member of the majority party was called to preside in the Committee of the Whole.

On June 21, 1918,³ Mr. Meyer London, of New York, who was not a member of the majority party, presided temporarily in the Committee of the Whole during the consideration of the bill (H. R. 12402), to exclude and expel anarchists from the United States.

265. Recently it has been the general, though not the universal practice, to designate as Speaker pro tempore during eulogies on a deceased Member, the dean of the State delegation regardless of party affiliation.

¹ Supplemental to Chapter XLV.

² Third session Sixty-sixth Congress, Record, p. 145.

³ Second session Sixty-fifth Congress, Record, p. 8108.

On February 14, 1919,¹ pending a motion to resolve into the Committee of the Whole for the consideration of business in order on that day, the Speaker² announced:

On next Sunday there will be held memorial exercises for gentlemen from Wisconsin, Virginia, Maryland, and Pennsylvania, The Chair usually appoints the senior Member of a delegation to preside. In this case the Chair will appoint Mr. Butler, of Pennsylvania, to preside, and request him that when Wisconsin is reached that Mr. Cooper of Wisconsin shall be called to preside, when Virginia is reached that Mr. Flood shall be called, and when Maryland is reached Mr. Linthicum.

Mr. Butler and Mr. Cooper were members of the minority while Mr. Flood and Mr. Linthicum were members of the majority part in the House.

266. The Speaker, about to be absent, asked the approval of the House of his designation of a Speaker pro tempore.

The House having approved the designation of a Speaker pro tempore, the Speaker directed the Clerk to notify the President and the Senate.

A Speaker pro tempore whose designation was approved by the House was not sworn.

On November 22, 1921,³ at the opening of the day's session, the Speaker⁴ said:

The Chair designates the gentleman from Massachusetts, Mr. Walsh, to act as Speaker tomorrow, Wednesday, November 23, 1921, and the next two succeeding days, if there should be any in this session, and asks that the designation be approved by the House. Is there objection? [After a pause.] The Chair hears none, and the Clerk will notify the President and the Senate.

Notice of the appointment of a Speaker pro tempore was sent to the President and the Senate, but the Speaker pro tempore was not sworn.

267. The House having agreed to an order for formal sessions on two days only of each week over an extended period, authorized the Speaker to appoint Speakers pro tempore at will during that time.

On June 19, 1929,⁵ the House, having agreed to an order to meet on Mondays and Thursdays only of each week until October 14, 1929, unless sooner convened by the Speaker, supplemented that order by passing the following resolution:

Resolved, That the Speaker may at any time during the months of September and October designate any Member to perform the duties of the Chair, notwithstanding the provisions of clause 7 of Rule I.

268. Form of resolution naming a Speaker pro tempore.

On March 8, 1922,⁶ the Speaker⁴ announced an intended absence of a week and suggested the election of a Speaker pro tempore.

In accordance with the Speaker's suggestion, Mr. Frank W. Mondell, of Wyoming, offered the following resolution:

Resolved, That the Hon. Joseph Walsh, of Massachusetts, be elected Speaker pro tempore to discharge the duties of the Chair during the absence of the Speaker, not to exceed 10 days.

¹ Third session Sixty-fifth Congress, Record, p. 3351.

² Champ Clark, of Missouri, Speaker.

³ First session Sixty-seventh Congress, Journal, p. 563, Record, p. 8124.

⁴ Frederick H. Gillett, of Massachusetts, Speaker.

⁵ First session Seventy-first Congress, Record, p. 3229.

⁶ Second session Sixty-seventh Congress, Journal, p. 197; Record, p. 3571.

The resolution was agreed to and the Speaker directed the Clerk to notify the President and the Senate.

Mr. Walsh assumed the duties of Speaker pro tempore on March 9,¹ without being sworn.

269. Form of Speaker's designation of a Speaker pro tempore.

On June 10, 1922² following the reading and approval of the Journal, the Speaker³ announced:

The Chair expects to be absent on Monday and Tuesday of next week, and designates the gentleman from Massachusetts, Mr. Walsh, to act as Speaker pro tempore in his absence.

270. A Member of the minority party is sometimes designated as Speaker pro tempore on formal occasions.

On March 4,⁴ 1913, Mr. Speaker Clark called to the chair ex-Speaker Joseph G. Cannon,⁵ who presided during the consideration of the usual resolution extending to the Speaker the thanks of the House.

On March 4, 1915,⁶ at the suggestion of Mr. James R. Mann, of Illinois, Mr. Speaker Clark designated as Speaker pro tempore Mr. Victor Murdock, of Kansas, who presided during the consideration of a similar resolution.

On March 4, 1921,⁷ Mr. Henry T. Rainey, of Illinois, was called to the chair, by Mr. Speaker Gillett, on a similar occasion.

271. On May 27, 1922,⁸ the Speaker designated Mr. Andrew J. Montague, of Virginia, a member of the minority, but not the senior member of his delegation in service, as Speaker pro tempore on the following day during eulogies on the late Henry D. Flood, of Virginia.

On January 19, 1919,⁹ Mr. Joseph G. Cannon, of Illinois, a member of the minority, oldest in point of service in the House but not of longest continuous service, presided as Speaker pro tempore during eulogies on the late John H. Sterling, of Illinois.

In some instances where not convenient to appoint the dean of the delegation, on account of illness, absence from the city or other cause, the next ranking member of the delegation has been appointed.

272. In the absence of the Speaker the Clerk calls the House to order.

Form of Speaker's designation of a Speaker pro tempore.

Form of resolution approving designation of Speaker pro tempore and authorizing him to sign enrolled bills and appoint committees.

¹Journal, p. 200; Record, p. 3622.

²Second session Sixty-seventh Congress, Journal, p. 421; Record, p. 8542.

³Frederick H. Gillett, of Massachusetts, Speaker.

⁴Third session Sixth-second Congress, Record, p. 4853.

⁵Ex-Speaker Cannon presided, March 4, 1913, and March 4, 1919, on similar occasions.

⁶Third session Sixty-third Congress, Record, p. 5520.

⁷Third session Sixty-sixth Congress, Record, p. 4545.

⁸First session Sixty-seventh Congress, Journal, p. 388; Record, p. 7803.

⁹Third session Sixty-fifth Congress, Journal, p. 96; Record, p. 1710.

On July 29, 1916,¹ the House was called to order by the Clerk who read the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., July 26, 1916.

Hon. SOUTH TRIMBLE,
Clerk of the House:

I hereby designate Hon. Charles M. Stedman, a Representative from North Carolina, to preside in the House on Saturday, July 29.

CHAMP CLARK.

Thereupon, Mr. Claude Kitchin, of North Carolina, offered the following resolution which was agreed to:

Resolved, That the designation and appointment by the Speaker of Hon. Charles M. Stedman, a Representative from the State of North Carolina, as Speaker pro tempore for this day during the temporary absence of the Speaker, be, and the same is hereby approved, and the said Charles M. Stedman is hereby empowered to sign as Speaker pro tempore during this day enrolled bills and joint resolutions and appoint conferees.

Resolved, That a copy of these resolutions be sent to the Senate as notice of the action of the House.

Resolved, that a copy of these resolutions be sent to the President as notice of the action of the House.

273. On July 1, 1912,² the Clerk called the House to order and read a communication from Mr. Speaker Clark, designating Mr. Joshua W. Alexander, of Missouri, as Speaker pro tempore, and Mr. Alexander assumed the duties of the chair.

Later in the day the signature of the Speaker was required to certain enrolled bills and the House agreed to the following:

Resolved, That Hon. Joshua W. Alexander, a Representative from the State of Missouri, be, and hereby is, elected Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk of the House be directed to notify the Senate that the House has elected Hon. Joshua W. Alexander, a Representative from the State of Missouri, as Speaker pro tempore during the temporary absence of the Speaker.

Resolved, That the Clerk be instructed to inform the President of the election of Hon. Joshua W. Alexander, a Representative from the State of Missouri, as Speaker pro tempore of the House of Representatives during the temporary absence of the Speaker.

274. A Speaker pro tempore elected by the House is sworn as a prerequisite to signing enrolled bills.

On October 31, 1918,³ at the close of the day's session, the Speaker⁴ expressed a desire to absent himself for a longer period than that permitted under the rules and suggested the election of a Speaker pro tempore.

Thereupon, Mr. Claude Kitchin, of North Carolina, moved the election of Mr. Finis J. Garrett, of Tennessee, as Speaker pro tempore "until the 12th of November, or until the Speaker returns if he should sooner return, with the power to sign bills and resolutions."

The motion was agreed to, and on the following day⁵ Mr. Garrett called the House to order as Speaker pro tempore and proceeded with the duties of the office,

¹ First session Sixty-fourth Congress, Journal, p. 904; Record, p. 11807.

² Second session Sixty-second Congress, Journal, p. 832; Record, p. 8543.

³ Second session Sixty-fifth Congress, Record, p. 11523.

⁴ Champ Clark, of Missouri, Speaker.

⁵ Journal, p. 606; Record, p. 11527.

when Mr. Asbury F. Lever raised the question of order that the Speaker pro tempore should be sworn.

The Speaker pro tempore said:

The Chair has examined the precedents very hastily. It seems that Speakers pro tempore designated or elected have not been sworn in as Speakers pro tempore during the time that they were merely presiding. The question of the signing of bills or resolutions by a Speaker pro tempore without his being sworn does not seem to have been definitely decided, although there is much in the books about it. If the present Speaker pro tempore is called upon to sign any written resolution or bill, it is his opinion that he should be sworn.

The oath of office was then administered by Mr. Joseph W. Byrns, of Tennessee, and a resolution was passed directing the Clerk to inform the President and the Senate.

275. A Speaker pro tempore sometimes designates another Speaker pro tempore.

For an absence extending over a number of days it was considered expedient to elect a Speaker pro tempore.

The President and the Senate were informed of the election of a Speaker pro tempore.

On June 11, 1932,¹ the House was called to order by the Clerk² who read a communication from the Speaker,³ designating Mr. Henry T. Rainey, of Illinois, as Speaker pro tempore.

On June 13,⁴ the House was again called to order by the Clerk, when Mr. Charles R. Crisp, of Georgia, being recognized, suggested that in view of the continued illness of the Speaker and the character of business coming before the House, he deemed it wise to offer the following resolution:

Resolved, That Eon. Henry T. Rainey, a Representative from the State of Illinois, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of Hon. Henry T. Rainey as Speaker pro tempore during the absence of the Speaker.

The resolution was agreed to and Mr. Crisp administered the oath to Mr. Rainey who assumed the chair as Speaker pro tempore.

On June 20,⁵ the Clerk called the House to order and read the following:

THE SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., June 20, 1932.

I hereby designate Hon. William B. Bankhead to act as Speaker pro tempore to-day.

HENRY T. RAINEY,
Speaker pro tempore.

276. A Member called to the Chair during the day's sitting does not sign enrolled bills or appoint committees.

¹First session Seventy-second Congress, Record, p. 12692.

²South Trimble, of Kentucky, Clerk.

³John N. Garner, of Texas, Speaker.

⁴Record, p. 12843.

⁵Record, p. 13502.

On February 10, 1919,¹ while Mr. Edward W. Saunders, of Virginia, was presiding as Speaker pro tempore (by designation merely), the House took from the Speaker's table the post-office appropriation bill; disagreed to all Senate amendments and agreed to the conference asked by the Senate.

The Speaker pro tempore proceeded to announce the conferees, when Mr. James R. Mann, of Illinois, said:

Mr. Speaker, in order not to create a precedent, I think the present occupant of the chair ought to ask that by unanimous consent he may name the conferees. I do not think a Member temporarily occupying the chair as Speaker pro tempore is authorized under the rules to name the conferees without the consent of the House.

Thereupon the Speaker pro tempore submitted the question to the House, and unanimous consent having been obtained, announced the names of the managers on the part of the House.

277. A Speaker about to be absent obtained the approval of the House of his designation of a Speaker pro tempore.

The House having approved the designation of a Speaker pro tempore the President and the Senate were informed.

A Speaker pro tempore whose designation had received the approval of the House signed enrolled bills.

On July 1, 1921,² following the reading and approval of the Journal, the Speaker³ said:

The Chair is not going to be present to-morrow and part of this afternoon, and as there might be some bills which would need the signature of the Speaker, the Chair designates Mr. Towner, of Iowa, to act as Speaker, and asks the approval of the House of that designation, which meets the requirements of the law as to signing bills. Is there objection?

There was no objection, and the President and Senate were notified of the designation of Mr. Towner as Speaker pro tempore with the approval of the House.

278. The House approved the designation of a Speaker pro tempore as a prerequisite to his signing enrolled bills.

Form of resolution approving designation of Speaker pro tempore.

On May 22, 1922,⁴ Mr. Frank W. Mondell, of Wyoming, presented, as privileged, the following resolution:

Resolved, That the designation of Hon. Joseph Walsh, a Representative from the State of Massachusetts, as Speaker pro tempore be approved by the House, and that the President of the United States and the Senate be notified thereof.

In explaining the purpose of the resolution, Mr. Mondell said:

Mr. Speaker, the adoption of this resolution is necessary in order to authorize the Speaker pro tempore to sign the Ball Rent Act or any other measure that may be presented to him. The bill goes immediately to the Senate. Our expectation is that the Senate will take it up at once and agree to the House amendments. The bill ought to be back to the House inside of 30 minutes at the latest. While we are waiting for the action of the Senate, the committee will call up another bill and have it under consideration.

¹Third session Sixty-fifth Congress, Journal, p. 179; Record, p. 3103.

²First session Sixty-seventh Congress, Journal, p. 332; Record, p. 3301.

³Frederick H. Gillett, of Massachusetts, Speaker.

⁴Second session Sixty-seventh Congress, Journal, p. 374; Record, p. 7427; Record, p. 7432.

The resolution was agreed to, and on the same day the Speaker pro tempore announced his signature to enrolled bill (S. 2919), extending the provisions of the District of Columbia rents act.

279. On July 11, 1921,¹ following the passage of a joint resolution making available appropriations for the fiscal year, Mr. Patrick H. Kelley, of Michigan, offered the following:

Resolved, That the designation by the Speaker of Hon. Joseph Walsh, a Representative from the State of Massachusetts, as Speaker pro tempore be approved by the House and the Clerk notify the Senate and President thereof.

Mr. Kelley said:

Mr. Speaker, the necessity for this is a desire to get the bill signed, so that it will become a law to-day. This is pay day in nearly all the navy yards and stations of the Government.

The resolution was agreed to, and the Speaker pro tempore affixed his signature to several bills reported from the Committee on Enrolled Bills.

280. Instance wherein the House authorized the Speaker to designate a Speaker pro tempore for a term extending beyond the time provided by the rules.

The House having approved the Speaker's designation of a Speaker pro tempore, the oath was administered and the Clerk was directed to notify the President and the Senate.

On March 8, 1920,² in compliance with a request from the Speaker,³ the House agreed to the following:

The Speaker may at any time during the present month name a Member to perform the duties of the Chair for a period not exceeding 10 legislative days, who shall have authority to sign bills and appoint select and conference committees, and which designation is hereby approved by the House.

Under the authority granted the Speaker announced⁴ the designation of Mr. Joseph Walsh, of Massachusetts, as Speaker pro tempore, and on the following day⁵ Mr. James R. Mann, of Illinois, offered as privileged the following:

Resolved, That the Clerk notify the Senate and the President of the United States that the Speaker has designated Hon. Joseph Walsh, a Representative from the State of Massachusetts, as Speaker pro tempore for a period not exceeding 10 legislative days, and that the said designation is approved by the House.

The resolution was agreed to, and the oath of office as Speaker pro tempore was administered to Mr. Walsh by Mr. Joseph G. Cannon, of Illinois.

281. In the absence of the Vice President during the election of a President pro tempore of the Senate, a President pro tempore was designated to preside.

The election of an officer of the Senate is privileged and unless otherwise ordered by the Senate, balloting continues until a majority is obtained.

¹ First session Sixty-seventh Congress, Journal, p. 351; Record, p. 3570.

² Second session Sixty-sixth Congress, Record, p. 4022.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ Record, p. 4130; Journal, p. 249.

⁵ Record, p. 4179; Journal, p. 251.

On May 11, 1911,¹ when the Senate proceeded to the election of a President pro tempore of the Senate, Mr. Henry Cabot Lodge, of Massachusetts, who had been previously called to the chair by the Vice President, said:

The Chair thinks it only proper to say that by an inadvertence which seems almost incredible he did not remember the second clause of Rule I of the Senate, and in pursuing the course that has been pursued here he has followed the proceeding which has always taken place in such a case since he has been in the Senate. The Vice President would leave the chair, calling a Senator to it, and in his absence, as the Constitution requires, the Senate would proceed to the election of a President pro tempore.

Under the second clause of Rule I of the Senate the present occupant of the chair has no right to occupy the chair. It must be occupied by the Secretary of the Senate, or in his absence by the Chief Clerk, unless the Senate chooses to suspend the rule, which, of course, it can do by unanimous consent.

Thereupon, on motion of Mr. Joseph W. Bailey, of Texas, by unanimous consent, the rule was suspended and Mr. Lodge continued to occupy the chair until the election of a President pro tempore.

Upon the announcement that no one had received a majority of the votes cast on the first ballot and that there was no choice, Mr. Shelby M. Cullom, of Illinois, moved to proceed to another ballot.

The President pro tempore held that under the Constitution, when the Senate entered upon the election of an officer, it proceeded to ballot until one was elected, unless it was otherwise ordered.

282. The election of an officer of the Senate may be by ballot, by roll call, or by resolution.

The instance wherein the Senate elected a number of Presidents pro tempore to serve seriatim for stated terms.

On December 16, 1912,² the term for which the President pro tempore, Mr. Augustus O. Bacon, of Georgia, had been elected, having expired, Mr. Henry Cabot Lodge, of Massachusetts, pursuant to the order of the Senate made May 15, 1911, called the Senate to order.

The Senate thereupon proceeded to the consideration of the following order providing for the election of Presidents pro tempore of the Senate:

Ordered, That Jacob H. Gallinger, a Senator from the State of New Hampshire, be, and he hereby is, elected President of the Senate pro tempore, to hold and exercise the office from and including December 16, 1912, to and including January 4, 1913; that Augustus O. Bacon, a Senator from the State of Georgia, be, and he hereby is, elected President of the Senate pro tempore, to hold and exercise the office from and including January 5, 1913, to and including January 18, 1913; that Jacob H. Gallinger be, and he hereby is, elected President of the Senate pro tempore, to hold and exercise the office from and including January 19, 1913, to and including February 1, 1913; that Augustus O. Bacon be, and he hereby is, elected President of the Senate pro tempore, to hold and exercise the office from and including February 2, 1913, to and including February 15, 1913; and that Jacob H. Gallinger be, and he hereby is, elected President of the Senate pro tempore to hold and exercise the office from and including February 16, 1913, to and including March 3, 1913.

¹First session Sixty-second Congress, Record, pp. 1173, 1204; Senate Journal, p. 60.

²Third session Sixty-second Congress, Record, p. 695; Senate Journal, p. 34.

Mr. Joseph L. Bristow, of Kansas, made the point of order that under the provisions of Jefferson's Manual,¹ a President pro tempore of the Senate should be chosen by ballot.

The Presiding Officer said:

The first rule of the Senate states that the Senate shall choose its Presiding Officer, which is the language of the Constitution. No method is stated either in the rule or in the Constitution as to the manner in which the Senate shall choose. In the opinion of the Chair the Senate may choose by ballot by calling the roll, or by resolution, and the last course has been followed over and over again. The Secretary will read the resolution offered by the Senator from Utah.

The question being put the resolution was agreed to, yeas 51, nays 18, and Mr. Gallinger took the chair as President pro tempore.

¹Second paragraph of sec. IX of Jefferson's Manual.